

**TOWN OF BUENA VISTA, COLORADO  
ORDINANCE NO. 5  
(SERIES OF 2016)**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO VACATING A PORTION OF THE GUNNISON AVENUE RIGHT-OF-WAY BETWEEN PREVIOUSLY VACATED KENT AVENUE AND OAK STREET.**

**WHEREAS**, the owner of property described as Lots 5 through 16 of Block 4 in the Town of Buena Vista has requested that the Town vacate a portion of Gunnison Avenue located in the vicinity of their property, as more specifically described in the attached **Exhibit A** (the "Vacated Parcel");

**WHEREAS**, the Town has determined that the Vacated Parcel should include the portion of the Gunnison Avenue right-of-way adjacent to Lots 1 through 4, Block 4 in the Town of Buena Vista as shown on Exhibit A;

**WHEREAS**, the Vacated Parcel may have vacated previously but no records of the vacation have been located;

**WHEREAS**, Article IV of Chapter 11 of the Buena Vista Municipal Code ("Code") in conjunction with Part 3 of Title 43, Article 2 of the Colorado Revised Statutes set forth the procedures for vacating rights-of-way;

**WHEREAS**, pursuant to Code Section 11-62, public notice of the request for the vacation was published twice in a newspaper of general circulation in the Town, the first publication being at least fifteen (15) days prior to such hearing and the second publication being at least eight (8) days prior to such hearing. In addition, the Town Clerk mailed notice of such hearing to all owners of property adjacent to the public way sought to be vacated as shown in the request for vacation, and to all public utility companies providing service within the Town;

**WHEREAS**, pursuant to Code Section 11-63, a vacation shall only be granted if the Board of Trustees finds that the vacation is in the public interest; and

**WHEREAS**, the Board of Trustees finds that (1) granting the vacation will not deny any owner access to their property and (2) the Vacated Parcel is not needed, nor will it be needed in the foreseeable future for any Town purposes; and therefore, the Board of Trustees finds that the requested vacation is in the public interest.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO:**

Section 1.     Vacation Granted.     The Vacated Parcel as described in **Exhibit A** is hereby vacated.

Section 2. Easements Reserved. All rights-of-way or easements may be reserved for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone, and similar lines and appurtenances.

**INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED** this 12<sup>th</sup> day of April, 2016.

**THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY DAYS FROM PUBLICATION.**

TOWN OF BUENA VISTA, COLORADO

By: \_\_\_\_\_

Joel Benson, Mayor

ATTEST:

  
Janell Sciacca, Town Clerk



## Exhibit to Vacate 55 feet of Gunnison Avenue

**Legal description:**

55 feet of Gunnison Avenue adjoining Lot Nos. 1 thru 16, Block 4, Loan's Addition to the Town of Buena Vista, Chaffee County, Colorado.

